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23 December 2004

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Iran: Legal provisions regulating the issuance of cheques for which there are insufficient funds; usual sentences handed down to those convicted of issuing bad cheques, including whether the sentences handed down increase in severity depending on the amount of money involved (January 2003 - December 2004)
Research Directorate, Immigration and Refugee Board, Ottawa

Although the Research Directorate found various references to the existence of a "cheque law" in Iran in articles published during the period covered by this Response (January 2003 to December 2004) (*Aftab-e Yazd* 4 Dec. 2003; *ibid.* 24 Jan. 2004; *ibid.* 18 Apr. 2004; *ibid.* 3 May 2004; *ibid.* 10 June 2004; *ibid.* 22 Nov. 2004), information on the regulation of cheque issuance was scarce among the sources consulted.

Information published by the Islamic Republic News Agency (IRNA) and posted on the Website of the Bank Saderat Iran indicates that the Majlis approved an amendment to the Cheque Law in late August 2003 (24 Aug. 2003). Article one of the amendment provides that "there should be money at the bank equal to the amount stipulated on the check at the date of issuance"; article two provides that the receiver of the cheque can cash the cheque only on the indicated date; article three provides that "the issuers of bad checks [are] subject to jail terms ranging from six months to one year" (IRNA 24 Aug. 2003). More specifically, the IRNA reported that

[t]he issuers of bad checks amounting to less than rls 10 million would thus receive a jail term of [a] maximum [of] six months and those, [ranging from] rls 10 million to rls 50 million would be subject to jail terms of six months to a year.

The issuers of the checks amounting to more than rls 50 million would hence be subject to one-year to two-year jail terms, and would be barred from holding [a] check book (*ibid.*).

Additional and corroborating information on legal provisions regulating the issuance of cheques for which there are insufficient funds and the usual sentences handed down to those convicted of issuing bad cheques could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to

the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Aftab-e Yazd [Tehran, in Persian]. 22 November 2004. "Iranian Daily Urges Conservatives Not to Discourage Voters for 2005 Elections." (FBIS-NES-2004-1121 22 Nov. 2004/WNC)

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_____. 18 April 2004. "Iran: Daily Criticizes Changing Views of Reform Critics." (FBIS-NES-2004-0418 19 Apr. 2004/WNC)

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_____. 4 December 2003. "Iran: Daily Condemns Harsh Remarks on Reformist Majority." (FBIS-NES-2003-1204 5 Dec. 2003/WNC)

Islamic Republic News Agency (IRNA) [Tehran]. 24 August 2003. "Majlis Approves Amendment of Cheque Law." <<http://www.saderbank.com/m2-1.asp>> [Accessed 22 Dec. 2004]

Additional Sources Consulted

The Embassy of the Islamic Republic of Iran, in Ottawa, did not respond to a letter requesting information.

Internet sites, including: Al Bawaba, AllLaw.com, Embassy of the Islamic Republic of Iran (Ottawa), FindLaw, *Global Law Review*, Heiros Gamos Law Center, IranExpert, Iran Free Press, Iran Law Library, Iran Online, Iran Press Service, Islamic Republic's Website (not accessible), LawGuru.com, The Legal Research Center, The Majlis Research Center (in Farsi), Morrie Sacks Law Library, Muslim Lawyers, United States Law Library of Congress, WorldLawDirect.com, The World Law Guide, World News Connection (WNC), World Wide Legal Information Association.

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